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REMARKS

Claims 1, 2, 4, 16 and 17 have been amended so as to more particularly point out and distinctly claim the present invention. Independent claim 1 recites more detail of the sock and the relationship of the pads 21, 22 on the sock with the pad on the tongue of the shoe. More particularly, the pads 21, 22 are provided with a web 23 and the pads 21, 22 are disposed adjacent the tongue of the shoe on opposite sides of the pad of the shoe. The pad of the shoe cooperates with the web 23 and the pads 21, 22 for providing a uniformly padded surface which avoids double padding. Independent claim 16 defines a sock adapted to cooperate with a shoe having a pad in the heel area thereof. The sock is more specifically articulated in the claim. The pads 2 on the sock are coordinated with the pad in the heel area of the shoe. More particularly, pads 2 comprises spacer pads 26, 27 with a web 28 therebetween. The pads 26, 27 are disposed on opposite sides of the pad of the shoe. The pad of the shoe cooperates with the web 28 between the spacer pads to avoid double padding and provide a continuous uniformly padded surface for providing a uniform load distribution when the sock is worn.

Claims 18 and 19 have been added to emphasize that the web has little or no padding. These claims depend upon claims 1 and 16, respectively. Claim 20 is a generic claim to cover the species of both claim 1 where the pad of the shoe is on the tongue of the shoe, or in the heel area or elsewhere. More particularly, claim 20 defines a sock for use in athletic activities that has pads coordinated with a pad on the shoe. The pads on the sock comprise a pair of pads with an area therebetween having little or no padding. The pads on the sock are disposed adjacent and on opposite sides of the pad of the shoe, with the pad of the shoe disposed in the area having little or no padding between the pair of pads. The pad of the shoe cooperates with the area between the pair of pads on the sock and provides a continuous uniformly padded surface, which avoids double padding. No new matter has been added. See, for example, paragraph 12 of the specification.

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Claims 2, 3, 8, 9, 11 and 13 are based upon claim 1. Claims 4, 5, 6, 7, 10, 14 and 15 are based upon claim 16. Claim 12 was canceled. Claims 1-11 and 13-20 remain for consideration.

Claims 1-3, 11, 13, 15 and 16 were rejected as being anticipated by Throneburg et al. '005. The Throneburg et al. '005 patent does not anticipate the amended claims. There is no suggestion in Throneburg et al. '005 of the coordinated arrangement of a pad on the tongue of the shoe and pads with a web therebetween on the sock, the pads disposed on opposite sides of the pad of the shoe for providing a continuous uniformly padded surface which avoids double padding, as recited in claim 1. In Throneburg et al. '005 the pads 33 and 34 are on the ball and heel of the sock. They have no relationship whatsoever to pads adjacent to and on opposite sides of the pad on the tongue. The subject matter defined in claim 1 is patentable over Throneburg et al. '005. The claims based on claim 1 should be allowed together with claim 1 for the reasons stated above.

Throneburg et al. '005 does not anticipate the subject matter defined in claim 16. There is no teaching of the coordinated arrangement of a shoe with a pad in the heel area and pads with a web therebetween on the sock, with the pads disposed adjacent and on opposite sides of the pad of the shoe. The pad of the shoe cooperates with the web to avoid double padding and provide a continuous uniformly padded surface for providing a uniform load distribution when the sock is worn. Present claims 1, 3, 11, 13, 15, 16 and 18 are not anticipated by Throneburg et al. '005 and should be allowed.

Claims 8 and 9 were previously rejected as being unpatentable over Throneburg et al. '005 in view of Lambertz '151. Lambertz fails to overcome the shortcomings of Throneburg et al. '005 noted above. Hence claims 8 and 9, which are based upon claim 1, should be allowed together with claim 1.

Claims 17, 14 and 4-7 were rejected as being unpatentable over Throneburg et al. '005 in view of Throneburg et al. '522. Throneburg et al. '522 fails to overcome the shortcomings of Throneburg et al. '005. Throneburg et al. '522 shows a sock with a pad of maximum fabric thickness P-3 provided in the high splice area 13 above the heel 14. There is no suggestion of

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applicant's arrangement for avoiding double padding. Claims 4-7, 14, 17 newly added claim 19 should be allowed together with claim 16 from which they depend.


Claim 20 recites specifically the arrangement between a pad on the shoe and the coordinated pair of pads on the sock which have an area between the pads with little or no padding. The pad of the shoe cooperates with the area between the pair of pads on the sock and provides a continuous uniformly padded surface, which avoids double padding. Neither of the Throneburg et al. patents or the Lambertz patent are directed to the double patenting problem and providing a solution therefor. Claim 20 is considered patentable over the art of record.

Favorable reconsideration and allowance of this application are solicited.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment After Final Rejection is being transmitted by facsimile to Fax No. 571-273-8300 on December 22, 2008.


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